

Further misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use for the purposes for which it was intended.

DISPOSITION: Robert V. Carroll appeared as claimant and filed an answer denying that the device was misbranded. On May 25, 1954, the claimant having represented to the court that he was no longer interested in the device under seizure and believed no useful purpose would be served by contesting the case, and also having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the device be destroyed.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

4389. Adulteration of German chamomile. U. S. v. 115 Packages * * *.
(F. D. C. No. 36224. Sample No. 57095-L.)

LIBEL FILED: January 4, 1954, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 12, 1953, by the Rexall Drug Co., from Pittsburgh, Pa.

PRODUCT: 115 packages of *German chamomile* at Cleveland, Ohio.

LABEL, IN PART: "1 Ounce Rexall U (Various Numbers) Puretest German Chamomile *Matricaria Chamomilla*, Lin."

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent hairs.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

4390. Adulteration and misbranding of herb tea. U. S. v. 57 Bags, etc. (F. D. C. No. 36222. Sample No. 58896-L.)

LIBEL FILED: January 13, 1954, Northern District of Illinois.

ALLEGED SHIPMENT: On or about April 21 and 22, 1942, from Jersey City, N. J.

PRODUCT: 57 bags and 140 boxes of *herb tea* at Chicago, Ill., in possession of the Z. G. Stanis Co., together with a number of leaflets entitled "Temporary List Of Z. G. Herbs And Stanis Products."

RESULTS OF INVESTIGATION: The product contained in the bags represented a portion of a bulk shipment of 217 bags, and the product in the boxes had been repackaged by the consignee from the bulk shipment. The above-mentioned leaflets were printed locally for the consignee.

LABEL, IN PART: (Bag) "102 Lbs. Seventeana Tea"; (box) "Z - G Herbs * * * Net Weight 4 Oz. No. 17 * * * Herb Tea Seventeen is a composition of select herbs, barks, roots, flowers and seeds, intended to promote and help maintain regular elimination * * * List of ingredients * * * Burdock Root Boneset Herb Catnip Herb Centuary Herb Comfrey Root Condurango Bark Echinacea Root Fennel Seed Horsetail Rush Lemon Balm Life Root Herb Pipsissewa Herb Sarsaparilla Root Saffron Flowers Sassafras Bark Senna Pods Senna Leaves Uva Ursi Leaves Wormwood Herb Yarrow Herb."

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, and rodent excreta; and, Section 501 (a) (2), the article had been held under insanitary conditions whereby it may have been and had been contaminated with filth by reason of its exposure to attack by insects and rodents.

Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for stomach disorders, whereas the article was not an adequate and effective treatment for stomach disorders.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 13, 1954. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

4391. Adulteration and misbranding of phenobarbital tablets, Pyraphen tablets, and Luasmin capsules. U. S. v. Brewer & Co., Inc., and Howard D. Brewer. Pleas of guilty. Fine of \$1,200 against corporation and \$300 against individual. (F. D. C. No. 35565. Sample Nos. 33768-L, 44871-L, 45078-L.)

INFORMATION FILED: March 2, 1954, District of Massachusetts, against Brewer & Co., Inc., Worcester, Mass., and Howard D. Brewer, president and treasurer of the corporation.

ALLEGED SHIPMENT: On or about January 29, February 23, and March 6, 1953, from the State of Massachusetts into the States of Connecticut, Illinois, and New Hampshire.

LABEL, IN PART: (Bottle) "10,000 Phenobarbital Tablets U. S. P. (1½ gr.) 0.1 Gm. Brewer & Company, Inc. Worcester, Mass.," "100 Tablets Pyraphen—Therland—Each tablet contains: Pyrillamine Maleate (¾ gr.) 50 mg. Aminophylline (3 gr.) 0.2 Gm. Phenobarbital (¼ gr.) 15 mg. Therland Drug Co. 20 Farmington Avenue Hartford, Conn. Distributors," and "100 Capsules Luasmin Each capsule contains: Theophylline Sodium Acetate (3 gr.) 0.2 Gm. Ephedrine Sulfate (½ gr.) 30 mg. Phenobarbital Sodium (½ gr.) 30 mg. Brewer & Company, Inc. Worcester, Mass., U. S. A."

NATURE OF CHARGE: *Phenobarbital tablets*. Adulteration, Section 501 (d) (2), a substance, namely, phenobarbital sodium tablets, had been substituted for *phenobarbital tablets*. Misbranding, Section 502 (a), the label statement "Phenobarbital Tablets" was false and misleading since the article did not consist of *phenobarbital tablets* but consisted of another substance, namely, phenobarbital sodium tablets.

Pyraphen tablets. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since each tablet purported and was represented to contain (3 grains) 0.2 gram of aminophylline, whereas each tablet contained less than that amount of aminophylline. Misbranding, Section 502 (a), the label statement "Each tablet contains: * * * Aminophylline (3 gr.) 0.2 Gm." was false and misleading.

Luasmin capsules. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since each capsule of the article purported and was represented to contain (½ grain) 30 milligrams of phenobarbital sodium, whereas each capsule contained more than that amount of phenobarbital sodium. Misbranding, Section 502 (a), the label statement "Each capsule contains: * * * Phenobarbital Sodium (½ gr.) 30 mg." was false and misleading.